

Misbranding was alleged in that the statements appearing on the labels of the bottles containing the article, "Ingredients: Grains per gallon. Specific Gravity 1.049; Ferric Sulphate 1752; Aluminum Sulphate 29; Calcium Sulphate 79; Magnesium Sulphate 409; Sodium Phosphate 70 * * * Total Solids 4,413," were false and misleading since the specific gravity of the article varied between 1.018 and 1.027, and the article contained per gallon not less than 955 grains of aluminum sulfate and not more than 1,682 grains of ferric sulfate, 25 grains of calcium sulfate, 193 grains of magnesium sulfate, and 2,239 grains of total solids, and, in one portion, not more than 17 grains of sodium phosphate. It was alleged to be misbranded further in that the statement "used on minor Sores and Cuts," borne on the bottle label, was false and misleading, since that statement represented and suggested that the article would be efficacious in the treatment of minor sores and cuts, whereas it would not be so efficacious.

It was also alleged, with respect to the shipment of March 7, 1942, that the lot, when accompanied by the circulars, was further misbranded because of false and misleading statements in the circular which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of acidosis, acne, eczema, muddy skin, pimples, anemia, malnutrition, underweight, arthritis, rheumatism, gout, asthma, auto-intoxication, biliousness, high blood pressure, boils, Bright's disease, bronchitis, colds, sinus trouble, catarrh, constipation, diabetes, failing eyesight, cataract, falling hair, thin, hard, brittle finger nails, gall bladder disorders, gallstones, jaundice, goiter, hardening of the arteries, hay fever, stiffness of the joints, leucorrhea, low vitality, lack of endurance, lack of pep, nervousness, sciatic rheumatism, neuralgia, neuritis, nerve exhaustion, obesity, enlarged prostate gland, poor circulation, sexual indifference, tooth decay, spongy gums that bleed easily, tuberculosis of the lungs, and undernourishment of children; that the article would build and maintain the bones, teeth, and tendons, counteract acidity, heal wounds, and aid vitality and endurance; that it would be efficacious in the cure, mitigation, treatment, or prevention of tuberculosis, rickets, pyorrhea, heart disease, painful menstruation, excessive bleeding and hemorrhages, anemia, asthma, circulatory diseases, female disorders, nerve exhaustion, and indigestion; that it would be efficacious in building and nourishing the brain, nerves, and bones, and aid in strengthening the mental power; that it would counteract acidosis, purify the blood by eliminating carbon dioxide, and dissolve hard deposits in the joints; that it would be efficacious in the treatment of halitosis and to purify the system; that it would aid in keeping the hair, skin, and sex organs in a healthy condition, and would intensify the emotions; that it would be efficacious as a nerve sedative; that it would vitalize the lungs, neutralize acid waste materials, and supply energy and vitality; that it would be efficacious in producing glossy hair, hard teeth, keen hearing, and sparkling eyes; and that it would aid greatly in recovery from disease or injury.

On October 1, 1943, the defendant entered a plea of guilty and was fined \$500 and assessed costs in the amount of \$28.31.

1119. Misbranding of Dwarfies Wheatmix and wheat germ. U. S. v. Dwarfies Corporation. Plea of guilty. Fine, \$225 and costs. (F. D. C. No. 10553. Sample Nos. 3130-F, 3226-F, 3227-F.)

On December 30, 1943, the United States attorney for the Southern District of Iowa filed an information against the Dwarfies Corporation, Council Bluffs, Iowa, alleging shipment on or about September 30, 1942, and January 29, 1943, from the State of Iowa into the State of Nebraska of quantities of Wheatmix and wheat germ which were misbranded. The articles were labeled in part: "Dwarfies Wheatmix," or "Dwarfies Toasted Wheat Germ."

The Wheatmix was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it would make the consumer healthy and energetic and would maintain body health and energy; that it would give the consumer sound nerves and a good appetite; that it would insure proper growth and elimination; and that it would be efficacious in the cure, mitigation, treatment, or prevention of minor ailments and serious sickness, were false and misleading since the article would not be efficacious for the purposes recommended or accomplish the results claimed.

The wheat germ was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of nerve and digestive ailments; that it would be efficacious to improve morale; that it would make the user regular and improve his disposition; that it would be efficacious in the prevention or treatment of pellagra and vitamin deficiency

diseases, and in the treatment of lowered vitality, headache, nervousness, irritability, eye trouble, and retarded growth; that it would stimulate the appetite and improve the digestion of carbohydrates and fats; that it would prevent abnormal changes in the eyes and failing vision; that it would be of value for prospective or nursing mothers; and that it would give the user zest and body vigor and be efficacious in building red blood cells and replacing worn-out cells. The article would not be efficacious for the purposes recommended or accomplish the results claimed.

The articles were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On January 25, 1944, the defendant having entered a plea of guilty, the court imposed a total fine of \$225 and costs, the fine on the counts charging violation of the drug sections of the Act amounting to \$75.

1120. Misbranding of Einik's Red Ointment and Einik's Root. U. S. v. Zenon Anthony Einik (Z. A. Einik Ointment Co.). Plea of guilty. Fine, \$20. (F. D. C. No. 9691. Sample Nos. 22552-F, 22553-F.)

On September 21, 1943, the United States attorney for the District of Connecticut filed an information against Zenon Anthony Einik, trading as the Z. A. Einik Ointment Co., Union City, Conn., alleging shipment on or about September 9, 1942, from the State of Connecticut into the State of Pennsylvania of quantities of the above-named products which were misbranded.

Analysis of the Red Ointment disclosed that it consisted of a mixture of creosote, capsicum, peppermint oil, and methyl salicylate in a base probably chiefly petrolatum.

The article was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be efficacious in the treatment of rheumatic and neuralgic pains and aches; that it would relieve local congestion and throat irritation; that it would be efficacious in the treatment of mild cases of lumbago, colds in the chest, aches and rheumatic pains in the back and joints, colds, catarrh, rheumatism, pain in the back, stitch in the sides, severe pains in the chest and joints; and tonsillitis; that 1 hour after application pain would stop; that the article would be efficacious in the treatment of kidney pains and rheumatic pains due to dampness and colds, and in the treatment of headache, coughs, or distresses of the chest due to cold and local congestion, sore throat, aches in the hands and feet, and soreness of the gums and teeth; that it would be an appeasing medium for all ailments; that it would facilitate the circulation of the blood to various parts of the body; that its use would preserve health; that it was an efficacious treatment for catarrh of the nose, and headaches due to cold, and cold during female periods; that it would reawaken the circulation, thus causing pains to disappear almost immediately; that it would be efficacious in the treatment of bronchitis, croup, asthma, aches and pains due to accident and low vitality, sprains in the joints and muscles, pleurisy, and frosted hands and feet; that it would be a protection against pneumonia and pains in general, and would provide relief and a speedy cure for rheumatism, lumbago, sore throat, pain in the chest, shoulders and throat, neuralgia, pains of any kind in the back, and sprains in the joints and muscles; and that it possessed the curative properties indicated by the expression on the display carton: "A Friend of Suffering Humanity." It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents, since the label on the boxes containing the article bore the statement "Net Wt. 1 Oz.," whereas the boxes contained less than 1 ounce net.

Analysis of Einik's Root disclosed that it was granulated Canadian stone root of usual appearance. It was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be efficacious as a tonic and stimulant for simple debility or asthenia; that it would help tone up the system and aid in the better flow of digestive juices; that it would be efficacious against weakening of the system and energy; that it would be efficacious in the treatment of catarrh of the chest and weakening of the bladder from overwork; and that it would be efficacious as a solvent for the blood and as a treatment for rheumatism.

On September 27, 1943, the defendant entered a plea of guilty and the court imposed a fine of \$10 on each count, a total of \$20.